


UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                                |   |  |
|--------------------------------|---|--|
| <b>HOWARD KAPLAN,</b>          | ) |  |
| <b>Plaintiff,</b>              | ) |  |
|                                | ) |  |
|                                | ) |  |
| <b>v.</b>                      | ) | <b>CIVIL ACTION NO. 104-CV-10856-MEL</b> |
|                                | ) |  |
| <b>WEND MANAGEMENT, INC.,</b>  | ) |  |
| <b>WENDY'S OLD FASHIONED</b>   | ) |  |
| <b>HAMBURGERS OF NEW YORK,</b> | ) |  |
| <b>Defendants.</b>             | ) |  |
|                                | ) |  |

**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION TO RESCHEDULE  
MOTION TO DISMISS HEARING**

Plaintiff respectfully moves the Court to reschedule the hearing for the Defendant's Motion to Dismiss Hearing from September 9, 2004 to October 19, 2004. Rebecca G. Pontikes, attorney for the Plaintiff, is unavailable that day due to an all day deposition which cannot be rescheduled. Attorney for the Defendant, Kathryn Connors Soderberg, does not oppose the Plaintiff's Motion to Reschedule.

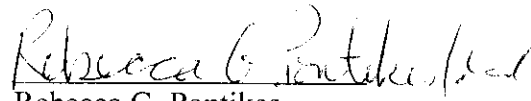
Respectfully submitted,  
HOWARD KAPLAN,  
By his attorneys,

  
Shannon Liss-Riordan, BBO #640716  
Rebecca G. Pontikes, BBO # 637157  
PYLE, ROME, LICHTEN, EHRENBERG, & LISS-  
RIORDAN P.C.  
18 Tremont Street, Suite 500  
Boston, Massachusetts 02108  
(617) 367-7200

DATE: September 1, 2004

**CERTIFICATE OF SERVICE**

This is to certify that on September 1, 2004, a copy of the foregoing document was served upon Kathryn Connors Soderberg, Davis, Malm & D'Agostine, P.C., One Boston Place, Boston, MA 02108 by first class mail.

  
Rebecca G. Pontikes